

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

MARK ASTON,

Plaintiff,

vs.

THE ROMAN CATHOLIC DIOCESE OF
ROCHESTER and
REVEREND RONALD FREDERICK,

Defendants.

COMPLAINT

Index No. _____

Plaintiff, by his attorneys, Faraci & Lange, LLP, as and for his complaint against the defendants, alleges as follows:

1. That at all times hereinafter mentioned, plaintiff was and is a resident of the County of Ontario and State of New York.
2. That upon information and belief, at all times hereinafter mentioned, the Diocese of Rochester was and is a religious corporation organized under the laws of the State of New York.
3. That upon information and belief, at all times hereinafter mentioned, the defendant Diocese of Rochester had its principal place of business at 1150 Buffalo Road, Rochester, New York.
4. That upon information and belief, at all times hereinafter mentioned, the defendant Frederick was and is a resident of the County of Ontario and State of New York.
5. That upon information and belief, on and prior to February, 1990, the defendant Frederick was and is a duly ordained Roman Catholic priest.
6. That upon information and belief, at all times hereinafter mentioned, the defendant Frederick was and is employed and under the direct supervision of the defendant Diocese of Rochester.
7. That at all times hereinafter mentioned, defendant Frederick was and remains in the service of the defendant Diocese of Rochester and subject to its controls at all times.

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8. That upon information and belief, prior to February, 1990, defendant Frederick was hired by the defendant Diocese of Rochester to function as a priest in defendant's Diocese with all of the legal and natural consequences attendant to said status.
9. That at all times hereinafter mentioned, the plaintiff and his parents were members of the Roman Catholic Church and of the Catholic Diocese of Rochester.
10. That plaintiff was implicitly and explicitly instructed by the defendant Diocese of Rochester that defendant Frederick was moral and trustworthy and an individual who would at all times have only the best interest of plaintiff at heart.
11. That by virtue of the standing of defendant Frederick as a priest, plaintiff afforded him great respect and trust, including a willingness to be in his presence and to travel various places with him.
12. That in February, 1990, while he was still a minor, plaintiff agreed to accompany said defendant Frederick, along with plaintiff's grandmother, to the City of Niagara Falls and to stay overnight in a motel room with said defendant.
13. That the defendant Frederick induced plaintiff to sleep in the same bed with him, during the course of which defendant Frederick sexually abused plaintiff without plaintiff's consent, implicit or explicit.
14. That said action on the part of the defendant Frederick severely emotionally traumatized plaintiff, to the point where he could not divulge what had transpired to anyone else, including his parents, for a number of years thereafter.
15. That plaintiff has been severely emotionally damaged by said encounter and continues to live with the aftereffects of same, and will likely continue to do so on a permanent basis.
16. That by reason of the aforesaid, plaintiff has been damaged in the sum of One Million Dollars (\$1,000,000).

**AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF
THE PLAINTIFF AGAINST DEFENDANT FREDERICK**

17. Plaintiff repeats and realleges each and every allegation set forth in paragraphs numbered 1 through 16 with the same force and effect as though the same were more fully set forth at length herein.

18. That defendant Frederick knew or should have known that he was possessed of a propensity and desire to engage in wrongful sexual activity with young boys.

19. That upon information and belief, said defendant was obligated to inform his superiors regarding these proclivities so that minors entrusted to his care would not be harmed.

20. That upon information and belief, said defendant negligently failed to inform his superiors regarding these proclivities, resulting in his being in a position to fulfill his sexual needs through unlawful sexual contact with young boys.

21. That by reason of defendant's negligence, plaintiff was placed in a situation where he became the victim of defendant's sexual desires, resulting in extreme emotional harm and damage to plaintiff.

22. That by reason of the aforesaid, plaintiff has been damaged in the sum of One Million Dollars (\$1,000,000).

**AS AND FOR A THIRD CAUSE OF ACTION ON BEHALF OF
THE PLAINTIFF AGAINST THE DEFENDANT DIOCESE OF
ROCHESTER**

23. Plaintiff repeats and realleges each and every allegation set forth in paragraphs numbered 1 through 22 with the same force and effect as though the same were more fully set forth at length herein.

24. That upon information and belief, defendant Diocese of Rochester placed defendant Frederick in its employ without determining whether said defendant had a propensity to engage in unlawful sexual contact with young boys, or possessed other similar proclivities.

25. That upon information and belief, this defendant was negligent in screening the past and background of the defendant Frederick and failed to carry out a proper examination of him prior to ordaining him as a priest.

26. That by reason of the aforesaid negligence of the defendant Diocese of Rochester, plaintiff has been damaged in the sum of One Million Dollars (\$1,000,000).

**AS AND FOR A FOURTH CAUSE OF ACTION ON BEHALF OF
THE PLAINTIFF AGAINST THE DEFENDANT DIOCESE OF
ROCHESTER**

27. Plaintiff repeats and realleges each and every allegation set forth in paragraphs numbered 1 through 26 with the same force and effect as though the same were more fully set forth at length herein.

28. That upon information and belief, prior to February, 1990, defendant Diocese of Rochester knew or should have known that defendant Frederick had engaged in unlawful sexual conduct with minors while in the employ of defendant Diocese of Rochester and while under its supervision.

29. That despite such knowledge, constructive or otherwise, defendant Diocese of Rochester failed to undertake a proper and appropriate investigation of the defendant Frederick and to place him in a position where he would not be able to engage in such conduct.

30. That by reason of said failure, defendant Frederick was allowed to continue in his position as a priest, and to continue receiving the trust of Catholics with whom he came in contact, including the plaintiff.

31. That as a result, defendant Frederick was in a position to force unlawful and perverted sexual activity on plaintiff, to plaintiff's severe emotional injury and damage.

32. That by reason of the foregoing negligence on the part of the defendant Diocese of Rochester, plaintiff has been damaged in the sum of One Million Dollars (\$1,000,000).

**AS AND FOR A FIFTH CAUSE OF ACTION ON BEHALF OF
THE PLAINTIFF AGAINST THE DEFENDANT DIOCESE OF
ROCHESTER**

33. Plaintiff repeats and realleges each and every allegation set forth in paragraphs numbered 1 through 32 with the same force and effect as though the same were more fully set forth at length herein.

34. That even though defendant Diocese of Rochester knew or should have known of the perverted proclivities of defendant Frederick, it nonetheless continued him in his position as an active priest.

35. That in so doing, the defendant Diocese of Rochester conveyed to plaintiff its explicit approval of defendant Frederick as a trustworthy, moral and law-abiding individual.

36. That plaintiff was relying on said approval in associating with defendant Frederick.

37. That by breaching said trust as aforesaid, defendant Diocese of Rochester has caused damage to the plaintiff in the amount of One Million Dollars (\$1,000,000).

W H E R E F O R E, plaintiff demands judgment against the defendants on the first cause of action in the sum of One Million Dollars (\$1,000,000); on the second cause of action in the sum of One Million Dollars (\$1,000,000); on the third cause of action in the sum of One Million Dollars (\$1,000,000); on the fourth cause of action in the sum of One Million Dollars (\$1,000,000); on the fifth cause of action in the sum of One Million Dollars (\$1,000,000); and on all causes of action, the costs and disbursements thereof.

Dated: June 24, 1997

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